

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 4, 2016

Elisabeth A. Shumaker
Clerk of Court

ROBERT J. CLASEN,

Plaintiff - Appellant,

v.

NOVA SOUTHEASTERN UNIVERSITY,
INC.; THOMAS F. PANZA, General
Legal Counsel, Nova Southeastern
University, Inc., in his individual capacity;
GEORGE HANBURY, II, President and
CEO, Southeastern University, Inc., in his
official capacity; JOHN KOSKINEN,
Commissioner of Internal Revenue Service,
in his official capacity,

Defendants - Appellees.

No. 16-1312
(D.C. No. 1:16-CV-00558-RM-KLM)
(D. Colo.)

ORDER

Before **KELLY, HOLMES**, and **McHUGH**, Circuit Judges.

We raise *sua sponte* the question of whether this court has jurisdiction to consider Plaintiff Robert Clasen's appeal from the district court's denial of his motions for entry of default, default judgment, and referral to the "DOJ and Miami FBI."

Except in certain limited circumstances that are not present here, this court's appellate jurisdiction is limited to review of final decisions. 28 U.S.C. § 1291; *see also United States v. Nixon*, 418 U.S. 683, 690-92 (1974); *Albright v. Unum Life Ins. Co.*, 59 F.3d 1089, 1092 (10th Cir. 1995). A final decision is one that "ends the litigation on the

merits and leaves nothing for the court to do but execute judgment.” *Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 204 (1999) (internal quotations omitted).

The case is ongoing in district court. The district court’s order denying Mr. Clasen’s motions was not a final decision. Accordingly, we lack jurisdiction to consider this appeal.

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk